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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,409	03/30/2001	Andrew Rodney Ferlitsch	SLA0360	3201

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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,409

Applicant(s)

FERLITSCH ET AL.

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/31/05 entered.

Claim Rejections - 35 USC § 112

2. Claims 1, 8, 17, 19 and 20-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The mentioned claims above are lacking the support in the specification, as it fails to support the matter of not usage of remote computer for connection

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6-8 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al (U.S. patent 6,584,503)

Regarding claim 1 Carney et al disclose: A method for detecting the status of printers on a network; said method comprising the acts of: sending a signal to a client print processor (note Fig.1 item 2 the print manager which acts as the print processor in this case) and detecting the status of printers on a network from said print processor through a direct communication between said print processor and said printers wherein said communication does not access a remote computer (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly).

Regarding claim 6 Carney et al disclose: The method of claim 1 wherein said detecting comprises communication with a printing device using a protocol selected from the group consisting of Simple Network Management Protocol (SNMP), Remote Management (RMON) and Internet Printing Protocol (IPP) (note column 4 lines 43-54 and column 5 lines 37-60)

Regarding claim 7 Carney et al discloses: The method of claim 1 wherein said detecting comprises the use of an Application Program Interface (API) call (note column 5 lines 19-23 where in application is taking over the printer function).

Regarding claim 8 Carney et al disclose: A method of improving the probability of successful print task completion using a status detecting print processor; said method comprising: sending a print task to a client print processor (note Fig.1 item 2 the print manager which acts as the print processor in this case) detecting through a direct

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communication between said print processor and at least one printing device the status of at least one printing device and directing said print task to an available printing device among said at least one printing devices (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly).

Regarding claim 17, 19 and 20 Carney et al disclose: A computer readable medium comprising instructions for performing functions within a client print processor processor (note Fig.1 item 2 the print manager which acts as the print processor in this case) said instructions comprising the acts of: interpreting print task data (note column 5 lines 6) and detecting the status of printing devices using a direct communication with said printing devices without receiving print information from a remote computer (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly).

Regarding claim 18 Carney et al disclose: The computer readable medium of claim 17 further comprising instructions for the act of redirecting a print task from its original destination to at least one other destination (note Figs.2, 3a and 3b, column 6 lines 32-60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al (U.S. patent 6,584,503) in view of Snipp (U.S. patent 5,699,495)

Regarding claim 2 Carney et al does not quite teach: The method of claim 1 wherein said signal is a print task. On the other hand Snipp discloses: The method of claim 1 wherein said signal is a print task (please note column 7 lines 50-54). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Carney et al's invention according to the teaching of Snipp, where Snipp in the same field of endeavor teaches the way the signal is being sent through the print processor of Snipp is a print task in order to check the status of the printers.

Regarding claim 3 Snipp discloses: The method of claim 1 wherein said detecting comprises obtaining network print queue information (note column 4 lines 17-29).

Regarding claim 4 Snipp discloses: The method of claim 1 wherein said detecting comprises bidirectional communication between a print processor, a port manager and a printing device (note column 10 lines 55-64).

Regarding claim 5 Snipp discloses: The method of claim 1 wherein said detecting comprises accessing data from a Management Information Base (MIB) (note column 3 lines 64-67 and column 4 lines 1-15).

Regarding claim 10 Snipp discloses: The method of claim 8 wherein a default printing device is selected by a user prior to said detecting and said directing directs said print task to said default device when said default device is available (please note column 10 lines 23-63).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al (U.S. patent 6,584,503) in view of Snipp (U.S. patent 5,699,495) and further in view of Mima et al (Pub.:NO US 20020101604)

Regarding claim 11 Neither Carney nor Snipp disclose: The method of claim 8 wherein said print processor may also modify a print task to enable cluster printing functions. On the other hand Mima et al disclose: wherein said print processor may also modify a print task to enable cluster printing functions (note page 4 paragraph 0042 lines 4-9 wherein the print is divided through the device driver and sent to the document monitor 15a to be distributed to the different printers) Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Carney et al and Snipp's invention according to the teaching of Mima, where Mima et al in the same filed of endeavor teaches the way the signal is being send through the print processor of Mima for splitting the print jobs in order to make the process of printing the plurality of job

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faster.

Regarding claim 12 Mima et al disclose: The method of claim 11 wherein said modifying said cluster-printing functions comprise job splitting (note page 4 paragraph 0048 and 0049 Fig.6)

Regarding claim 13 Mima et al disclose: The method of claim 11 wherein said modifying said cluster-printing functions comprise copy splitting (note page 4 paragraph 0049).

Regarding claim 14 Mima et al disclose: The method of claim 11 wherein said detecting determines a number of available printing devices and said modifying divides said initial print task into a number of modified print tasks equal to said number of available printing devices (note page 4 paragraphs 0048 and 0049).

Regarding claim 9 Mima et al disclose: The method of claim 8 wherein said status of a plurality of printing devices is presented to a user for selection of one or more available devices and said directing directs said print task to a device selected by said user (note page 4 paragraph 0042 lines 5-14).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 15-16, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mima et al (Pub.: No 20020101604) in view of Carney et al (U.S. patent 6,584,503)

Regarding claim 15 Mima et al disclose: A method for improving printing system capability and performance without addition of hardware or modification of application software (note Fig.5, page 4 paragraph 0046 where the network print monitor would improve the printing system capability without the addition of any software or hardware) said method comprising: removing a non-status-detecting client print processor (NPP) from a printing system (note Fig.5 page 4 paragraph 0046 lines 15-16 where, when the new printer is added to the network, the changes added to the printer information module 43 which acts as a print processor through the module 47 of Fig.5 a printer processor in this case is changed regarding the new printer being added to the system printers, page 4 paragraph 0046 lines 8-14) and replacing said NPP with a status-detecting client print processor (SDPP) (note Fig.5, paragraph 0046 lines 13-15 where a printer is removed and new printer is added to the system of printers and the printer processor or in this case the print information 43 is updated or in other words changed base on the new added and deleted printer) wherein said SDPP can detect the status of the printing device by direct communication with said printing device (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly) Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mima et al's

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invention according to the teaching of Carney et al , Carney et al teach the way the communication would be established by using the ping method to get the status of the printers in the network.

Regarding claim 16 Mima et al disclose: The method of claim 15 wherein said SDPP is also cluster enabling (note page 4 paragraph 0042 lines 1-15 where the jobs are split between printers to be printed by the aid of network monitor 17 including print information 43 of Fig.5).

Regarding claim 21 Mima et al disclose: A method of printing using a status detecting print processor, said method comprising: selecting a preferred printer group (note page 5 paragraph 0053 where the group of printers which could be printing color or the high speeding printers would be selected) modifying said print task to enable cluster printing thereby creating a plurality of modified print tasks (note Fig.2 item 15a the document monitor or in this case print processor which splits the print job to plurality of print jobs, page 4 paragraph 0042 lines 1-14) detecting from said print processor the status of a plurality of printing devices comprising said preferred printer group; without receiving printer information from a server (note page 4 paragraph 0042 lines 2-4 where the document monitor is queries the printer system as to the status of the printers without assistance from any server) directing said modified print tasks to said preferred printer group when all of the printers within said preferred printer group are available (note page 5 paragraph 0052 where the modified print task in terms of color or fastness are assigned to the specific group of printers available to print) and forming a second group of printers comprising the available printers within said preferred group and other

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available printers and sending said modified tasks to said second group when said second group comprises a sufficient number of printers to print said modified print tasks (note page 5 paragraph 0055 where the preferred printers are specified to carry the fast printing and color printing within the group of printers). However Mima et al does not disclose: through direct communication between said print processor and said printing devices without receiving printer information from a remote computer. On the other hand Carney et al disclose: through direct communication between said print processor and said printing devices without receiving printer information from a remote computer. On the other hand Carney et al disclose (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly)

Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mima et al's invention according to the teaching of Carney et al , Carney et al teach the way the communication data could be sent through the system without connecting to the remote printer.

Regarding claim 22 Mima et al disclose: The method of claim 21 further comprising selecting a group of backup printers from which said other available printers may be chosen (note page 5 paragraph 0053 lines 12-16 where the set of printers are selected to print the higher quality then the predetermined printers could).

Regarding claim 23 Mima et al disclose: The method of claim 21 further comprising

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reconfiguring said modified print tasks to require fewer printers when a sufficient number of available printers cannot be found (note page 5 paragraph 0055,0056 and 0057 where the page calculation is done to make the printing more efficient and therefore less needs of printers)

Regarding claim 24 Mima et al disclose: The method of claim 21 further comprising forming a third group of printers comprising any available printers from said preferred group, any other available printers and any busy printers and directing said modified print tasks to said third group (note page 5 paragraph 0053 where different groups of printers are set to print plurality of combination of pages for example the color printing could be sent to the different group of printers).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mima et al (Pub.No.: US 20020101604) in view of Carney et al (U.S. patent 6,584,503) and further in view of Yacoub (U.S. patent 6,552,813).

Regarding claim 25 neither Mima et al nor Carney et al disclose: The method of claim 21 further comprising entering a wait period when a sufficient number of printers are not available and rechecking for available printers after said wait period. On the other hand Yacoub discloses: The method of claim 21 further comprising entering a wait period

when a sufficient number of printers are not available and rechecking for available printers after said wait period (please note column 11 lines 61-67 and column 12 lines 1-3). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mima et al and Carney et al's invention according to the teaching of Yacoub, where Yacoub in the same filed of endeavor teaches the way the print jobs are being sent to the ready printer to alleviate the wait time for the busy printers.

Regarding claim 26 Yacoub discloses: The method of claim 21 further comprising activating a user prompt to solicit user input (please note column 11 lines 28-67 and column 12 lines 1-3).

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claim 19 is also rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer data signal claimed is merely a set of data signal per se. Since the a computer data signal embodied in an electronic transmission computer program is merely a set of instructions and not stored in the computer readable medium, the claimed subject matter is non-statutory. See MPEP 2106 IV.B.1.

Contact Information

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- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for **formal** communications; please mark
"EXPEDITED PROCEDURE")


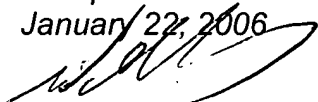
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(703) 306-5406 (for **informal** or **draft** communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
January 22, 2006



KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER